

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9034 of 1997

WITH

SPECIAL CIVIL APPLICATION NO. 9035 OF 1997

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No.

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KIRIT M BHRAMBHATT

Versus

SPEICAL INSPECTOR GENERAL OF POLICE

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Appearance:

MR ANANT S DAVE for Petitioner

MR DA BAMBHANIA for Respondent No. 1, 2

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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 29/04/98

ORAL JUDGEMENT

Rule. Mr. Bambhania, learned Government Solicitor waives service of the Rule on behalf of the respondents in both the petitions. At the request of the learned Advocates, this petition is taken up for final hearing to-day.

The petitioner by these petitions is challenging the two chargesheets dated 12-7-1996 and 6-10-1997 issued by the Special Inspector General of Police, Ahmedabad Range, Ahmedabad. Perusing the chargesheet dated 12-7-96 it is alleged that when the petitioner was serving as Police Sub-Inspector at Anand Town Police Station he had shown negligence and carelessness in respect of the cases shown in the chargesheet. By chargesheet dated 6-10-97 it is alleged that while the petitioner was serving as Senior Police Sub-Inspector at Anand Town Police Station, one Govindlal Devchand vide entry No.17 of 1986 dated 12-2-1986 at Shaherkotada Police Station, Ahmedabad levelled certain allegations against the petitioner's constable and in spite of this fact, without taking into consideration the provisions of the Gujarat Police Manual, Part III, Rule 220(5), without getting orders from the District Superintendent of Police, Anand, the said inquiry was handed over to lower grade police employees and thus shown negligence and carelessness in performance of the duty. Thus the chargesheets are in respect of the incident which had taken place on in 1985 and 1986 for which the petitioner is made to face the inquiry after a lapse of about 12 years. There is no dispute to the fact that the respondents were aware about the incident of 1986 for which they could have immediately taken action against the petitioner after the incident in 1986 itself. However, for a long delay of 12 years for which no explanation is forthcoming and especially when the charge against the petitioner is that he was negligent and careless in performing his duties being trifling in nature, the inquiry itself is required to be quashed and set aside. The Supreme Court in State of Madhya Pradesh vs Bani Singh AIR 1990 SC 1308 in similar situation set aside the chargesheet against the petitioner in that case and quashed the disciplinary proceedings initiated after more than 12 years.

Following the said ruling of the Supreme Court, both these petitions are allowed. The chargesheets dated 12-7-1996 and 6-10-1997 and the inquiry proceedings consequent to the said chargesheet are quashed and set aside. Rule in each of these two petitions is made absolute with no order as to costs.

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